

REMEDATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

October 29, 2003

FEDERAL BROWNFIELD GRANT TIPS

The RR Program has added some "tips" to our web site to help applicants for EPA's brownfield grants. The three types of EPA grants that may be used for sites contaminated by petroleum and hazardous substances are: 1) Assessment grants (up to \$200,000 or more over two years) allowing inventory, assessment and planning and require no cost-share. 2) Revolving loan fund grants (up to \$1,000,000 over five years) allowing capitalization of a revolving loan fund and subgrants for cleanup projects. 3) Cleanup grants (up to \$200,000 over two years) allowing environmental cleanup at sites owned by the grant recipient. The first two types of grants do not require identification of specific properties in the grant application. The application deadline is December 4, 2003. For more information about these grants, please see our web page at http://www.dnr.state.wi.us/org/aw/rr/financial/federal_brfls.html

EPA'S "ALL APPROPRIATE INQUIRY" GUIDANCE

In May we advised readers that the federal Small Business Liability Relief and Brownfields Revitalization Act of 2002 created new Superfund liability limits for some property owners. The law is also relevant to eligibility determinations for EPA's brownfield grants. The changes to CERCLA section 101(35) created liability limits for bona fide prospective purchasers and contiguous property owners and specify actions that these landowners must take to qualify for an "innocent landowner" defense under Superfund. The liability exemption for bona fide prospective purchasers allows purchase of property and protection from Superfund liability even if the site is contaminated. One requirement for the liability protection is to undertake "all appropriate inquiry" into prior ownership and use. EPA has promulgated 40 CFR part 312 as an interim standard for conducting "all appropriate inquiry", allowing use of ASTM Standard E1527-00, "Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process." EPA is also using a negotiated rule-making process to establish permanent standards that should be in place by January 2004. For more information, please visit <http://www.epa.gov/fedreg/EPA-WASTE/2003/May/Day-09/f11473.htm> EPA's overview of the liability limitations, the "Common Elements guidance" is at: <http://www.epa.gov/compliance/resources/policies/cleanup/superfund/common-elem-ref.pdf>.

EXCELLENCE IN ENVIRONMENTAL PERFORMANCE AWARDS

Nominations are open until December 1st for the 18th Annual Governor's Award for Environmental Excellence. These awards recognize achievements in environmental performance based on reductions in waste toxicity, emissions, or other environmental results; economic performance measured by profits and costs reduced; transferability of the processes to similar applications and commitment by the applicant to help other industries, organizations or institutions. Anyone may submit nominations. For more information, please see <http://www.fetinc.org>

RR NEWS FROM DNR ARCHIVE

Due to increasing use of spam protection software, some subscribers to this newsletter, the "RR News from DNR", may not have received all of the messages we have sent. We've now placed an index and an archive of past messages on the web at <http://www.dnr.state.wi.us/org/aw/rr/general/listserv.html>

This listserv operates by self-subscription only.

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